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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/998,193 12/24/97 BELOKIN

P 7390.58/P

EXAMINER

PM31/0923

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RICHARDSON TX 75080

GIBSON, R  
ART UNIT

PAPER NUMBER

3623

DATE MAILED:

09/23/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three (3) month(s); or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-2, 7-9, 11-20 is/are rejected.
- ☒ Claim(s) 3-6, 10 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Belokin et al '272, Belokin et al '693 (Figs 9-10), or Reilly.

Claims 7, 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Belokin et al '693 (Figs 9-10).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belokin et al 4,984,693. It would have been obvious to either modify the embodiment of Figs. 1-8 by making the support panel <sup>open</sup> ~~copies~~, as taught by the embodiment of Figs. 9-10, or to modify the embodiment of Figs. 9-10 by having the slots 143 extend the full height of the containment wall as taught by Figs. 1-8.

Claims 11, 16-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Belokin et al '272, or Belokin et al '693 (Figs 9-10).

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Claims 12-15, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belokin et al '272 or Belokin et al '693 (Figs 9-10). To substitute slots for apertures is considered to be well within the purview of one skilled in this art. The shape of the articles supported is a matter of choice.


Claims 3-6, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The patents to Belokin et al '841, Bennett, Beckerer and Benchley are cited to show similar devices.

Any inquiry concerning this communication should be directed to Examiner R. Gibson at telephone number (703) 308-2168.

Gibson/ph

September 22, 1998

  
ROBERT W. GIBSON, JR.  
PRIMARY EXAMINER  
ART UNIT 3623